

UNITED STATES BOXING COMMISSION

SEPTEMBER 19, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor,
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 2127]

The Committee on Education and Labor, to whom was referred the bill (H.R. 2127) to establish a United States Boxing Commission and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes all after the enacting clause and inserts a new text which appears in boldface roman in the reported bill.

COMMITTEE CONSIDERATION

H.R. 2127, a bill to establish a United States Boxing Commission, was introduced on April 18, 1985, and referred to the Committee on Energy and Commerce. H.R. 2127 was reported on August 14, 1986, by the Committee on Energy and Commerce with an amendment in the nature of a substitute (H. Rept. 99-791). On August 15, H.R. 2127 was sequentially referred until September 19 to the Committee on Education and Labor.

On September 18, the Committee on Education and Labor by voice vote ordered H.R. 2127 reported with an emendment in the nature of a substitute. The substitute so reported is identical in language to the amendment in the nature of a substitute to H.R. 1689, a bill introduced on March 21, 1985, by Representative Pat Williams.

H 343-25

PURPOSE AND SUMMARY

The purpose of the legislation reported by this Committee is to establish a quasi-public American Boxing Corporation for the purpose of assisting state and local authorities in improving the regulation of professional boxing. The corporation would prescribe model minimum health and safety standards and a model registration system for professional boxing and provide resources needed for states which agree to adopt and enforce the standards. The corporation also would publish annually an analysis of the status of boxing in each of the 50 states, including a ranking of how well the states are meeting the model standards. The corporation would raise its own revenues and be governed by a six-member board of directors, appointed by the President with the consent of the Senate.

HEARINGS

The Committee's Subcommittee on Labor Standards conducted two hearings on the need for reform in the sport of professional boxing. On May 30, 1985, the Subcommittee heard from Mr. Bernie Manhoff, President of the National Veteran Boxers Association; Mr. Sig Rogich, Chairman, Nevada State Athletic Commission; the Honorable Harry Reid, a Representative in Congress from the State of Nevada; Mr. Bela Szilagyi, Associate Editor, "Ring Record Book"; Mr. Jose Torres, Chairman, New York State Athletic Commission; Mr. Pappy Gault, former boxer, boxing coach for 1968 U.S. Olympic team.

On September 20, 1985, the Subcommittee heard from Mr. Ken Norton, former heavyweight champion; Mr. John Holladay, Deputy Boxing Commissioner, State of South Carolina; Col. Harvey Schiller, Professor, U.S. Air Force Academy, and Member, Board of Directors, U.S. Amateur Boxing Federation; Mr. Donald J. Romeo, M.D., Chief Medical Examiner, Nevada State Athletic Commission; the Honorable Joseph B. Montoya, Chairman, Senate Select Committee on Licensed and Designated Sports, California State Assembly; Mr. Sig Rogich, commissioner, Nevada State Athletic Commission; Mr. Jimmy Montoya, professional boxing manager; Mr. Patrick Melendy, professional boxing manager.

BACKGROUND AND NEED FOR LEGISLATION

Boxing is one of the world's most ancient and dramatic sports, with origins that trace to the Olympic Games of Greece. Its most recent history as a professional sport in the United States has been marked by considerable debate. Injuries and several widely publicized ring deaths, combined with the seeming inability of either state and local authorities or the numerous boxing federations to govern the sport uniformly and effectively nationwide, have prompted renewed calls for strong federal regulation. From other quarters, especially parts of the medical community, calls have intensified for a prohibition of the sport.

For more than 25 years, the Congress has been interested in ways to upgrade work conditions for professional boxers. The reported bill marks the second time the Committee, acting within its

jurisdiction over labor and health standards, has taken action on professional boxing legislation. In 1983, the Committee reported a bill to create a Federal Boxing Commission to prescribe and enforce fair labor standards for the conduct for the sport. However, amid an atmosphere disinclined toward new federal regulations and opposition by some within the boxing community due to its mandatory controls, the bill did not reach the floor of the House.

This Committee, in reporting this legislation to establish a federally chartered American Boxing Corporation, has taken a distinctly new approach toward ensuring fair work conditions and a safer workplace for those who labor for their livelihoods, and too often for their lives, in the professional prizefight ring. Unlike prior proposals, the bill imposes no federal regulation upon state and local boxing authorities. Just the opposite, the bill seeks to strengthen the hand of state and local regulators in controlling the sport. The legislation employs significant incentives and resources, rather than federal regulation, for state and local governments to address the longstanding lack of a national boxing registry and of uniform, minimum state boxing standards. The absence of universally accepted registry and uniform state standards has hindered, perhaps more seriously than any other factor, the improvement of fair labor conditions for the sport.

At present, 42 states and the District of Columbia regulate or license aspects of boxing. Municipal governments in three other states regulate boxing within their jurisdiction: Kansas, Nebraska, and North Carolina. (In Oregon, the City of Portland is the only municipality which regulates the sport.) In the states of Colorado, Oklahoma, South Dakota, and Wyoming, professional fights have no regulation.

Considerable progress during the past 25 years toward improving standards for boxing can be credited to state regulatory efforts. Several states in particular enforce standards of noteworthy effectiveness within their jurisdictions. Unfortunately, the best efforts by some states to regulate the sport too often are hamstrung by the virtual patchwork of regulation in other jurisdictions. While professional boxers routinely travel from state to state, standards—where they in fact exist—for training, equipment, compensation and medical treatment vary widely and sometimes dramatically from jurisdiction to jurisdiction. Just as diverse are the staff sizes and operating budgets of state athletic boards and commissions, with effective regulation often limited by minimal financing from state governments that already are fiscally pressed in the current period of austerity.

Enactment of the bill as reported by this Committee will greatly accelerate progress toward uniform, national minimum fair labor and safety standards by providing the states with the resources and technical expertise needed for effective regulation.

Under the legislation, the American Boxing Corporation would be required to establish model, minimum fair labor standards for state boxing commissions and provide financial and technical assistance to states which adopt and implement the standards. Those standards would address rates of compensation and insurance, medical services, state registration systems, and equipment and facilities necessary to reasonably ensure the physical safety of profes-

sional boxers participating in registered matches. States which adopt and adhere to the model standards would receive, in addition to financial and technical resources, the official sanction of the American Boxing Corporation for matches within their jurisdiction.

While local or state boxing authorities are not required by the legislation reported by the Committee on Education and Labor to adopt the model standards, it is the Committee's view that the financial assistance and sanction of the American Boxing Corporation will be an attractive and persuasive incentive for states to embrace and enforce the standards.

The American Boxing Corporation also is required to compile and maintain a national registry of professional boxers. The Committee believes that this registry, combined with the corporation's model standards for state boxer registration systems, is of critical importance for improving work conditions for professional boxers.

Some committed boxing enthusiasts, several independent professional recordkeepers, and national and international boxing organizations maintain fight lists and statistics and most states also employ registries within their jurisdiction to track the activities of many boxers. However, professional boxing historically has lacked a constantly updated, universally accepted and applied national system for identifying those who labor in the professional ring, their physical attributes and the status of their health, and their record of knockouts, technical knockouts (TKOs), wins, losses, injuries, and state suspensions. Lacking authoritative records, compilers of the federal government's Statistical Abstract in 1982 abandoned prior efforts at estimating how many professional fighters are engaged in the sport in America.

The absence of such a comprehensive registry continues to pose a threat not only to the boxer's safety but also to effective regulation of the sport by state authorities. Boxers with win-loss records heavily weighted with defeats and knockouts and others who have been suspended in some jurisdictions nevertheless continue to fight in professional matches. Mr. Ralph Citro of Blackwood, New Jersey (an independent recordkeeper whose data base of boxing information is relied upon by numerous state athletic commissions) documented approximately 200 boxers who, in the spring of 1986, were still fighting in some states despite extremely poor win-loss records and suspensions in other states.

One of the more telling recent instances of the lack of a reliable national registry occurred in July of 1985 in Norfolk, Virginia. In that city, an escaped Colorado felon was apprehended after fighting a nationally televised bout. The fugitive had fought 15 professional bouts before law enforcement authorities recognized three tattoos when he shed his robe for the Virginia match.

At present, many of the state commissions which attempt to track boxers and their records are often hampered by lack of staff and resources and the limited exchange of up-to-date information among state regulatory bodies. The numerous and varied systems employed by states which do maintain registries also reduces the effectiveness of interstate regulation of boxing.

The Committee expects that, as financial and technical assistance is made available by the American Boxing Corporation, states will be capable not only of adopting the model registration system

that the corporation is to prescribe but also of effectively administering the system. Further, the Committee views the national registry, to be operated by the corporation, as a vital information clearinghouse in assisting the states in their registration efforts.

COMMITTEE OVERSIGHT FINDINGS

The material in this report, under the headings of "Hearings" and "Background and Need for Legislation", refer to the hearings, witnesses, and testimony. These hearings, conducted in the exercise of this Committee's legislative and oversight responsibilities, provided ample justification for this Committee to recommend passage of this legislation.

COMMITTEE ON GOVERNMENT OPERATIONS

No oversight findings have been presented to the Committee on the subject of this legislation by the Committee on Government Operations.

COST ESTIMATE

In view of the fact that the amendment in the nature of a substitute reported by this Committee on this bill, H.R. 2127, is the same as the substitute reported by the Committee on H.R. 1689, the Congressional Budget Office cost estimate printed in this Committee's report on the latter bill is also applicable to the amendment reported by this Committee on this legislation.

INFLATIONARY IMPACT STATEMENT

The Committee estimates that the enactment of H.R. 1689 will have no significant inflationary impact on prices and costs in the operation of the national economy.

SECTION-BY-SECTION ANALYSIS OF BILL AS REPORTED BY THE COMMITTEE ON EDUCATION AND LABOR

Section 1

This section authorizes the creation of a nonprofit American Boxing Corporation for the purpose of establishing minimum health and safety standards for professional boxing.

Section 2

This section establishes the board of directors for the Corporation. The board shall be composed of six members, appointed to six-year terms by the President with advice and consent of the Senate. Board members must be United States citizens and shall not be active in any capacity in professional boxing while serving on the board. Members shall not have any financial interest in boxing while serving on the board. At least three board members must have prior experience as an active member of the sport of professional boxing.

Section 3

This section organizes the corporation. The board of directors shall adopt a constitution and bylaws and select employees for the Corporation.

Section 4

This section provides the objectives and purposes of the Corporation. The Corporation shall establish model state boxing commission standards and provide financial and technical assistance to help states comply with the standards. The Corporation shall also sanction boxing matches in states that implement the model standards.

Section 5

This section provides for grants to state boxing commissions. States may apply for grants and technical aid from the Corporation. The Corporation shall provide grants and aid to states which adopt the model standards and other requirements.

Section 6

This section provides for the Corporation sanction. The Corporation may sanction matches in states which meet model standards. The sanction shall be withdrawn if reasonable grounds exist that the match violates the standards or boxers in the match are not registered in the state.

Section 7

This section provides for the corporate standards. The Corporation shall prescribe minimum fair labor standards for compensation, insurance, environmental conditions at sites of registered matches, medical services and facilities, and equipment. The Corporation also shall prescribe standards for a system of state registration of boxers and for contracts and agreements on the promotion and conduct of matches. The Corporation also shall publish a yearly report on the status of boxing in each of the 50 states and the progress toward adoption of the model standards. The Corporation also shall, after three years of operation, submit a report to the Congress that describes in detail the participation of the States in implementing the standards and the prospects for success of voluntary state participation. This section also provides that nothing in this Act shall prohibit any state board, commission or agency from exercising its duties in regulating professional boxing.

Section 8

This section provides for a national registry of professional boxers to be compiled in conjunction with the system of state registries.

Section 9

This section provides for the corporate powers, including the right to sue and be sued, make contracts, choose officers and employees, accept contributions, raise money, adopt and use and cor-

porate seal, emblems and badges and publish a newspaper or magazine.

Section 10

This section provides for consultation, where appropriate, with international boxing groups with regard to international regulation of boxing.

Section 11

This section provides for membership and voting rights, with each member having the right to one vote on each matter submitted to a vote at all meetings of members of the corporation.

Section 12

This section provides that the board of directors shall determine an office location and maintain an agent at the office to carry out corporate business.

Section 13

This section provides that corporate officers shall consist of board chairman, president, vice-president and secretary-treasurer and that their selection, terms and duties shall be prescribed by the corporation's bylaws and constitution.

Section 14

This section provides that the distribution of assets or income of the corporation to any member, officer or director shall be prohibited during the life of the corporation or upon its dissolution. The corporation also shall be prohibited from making loans to any officer, director or employee.

Section 15

This section provides that the nature of the corporation shall be nonpolitical and, as an organization, the corporation shall not promote the candidacy of any person seeking public office.

Section 16

This section provides that the corporation shall be liable for acts of its officers and agents when acting within their authority.

Section 17

This section provides that the books and records of the corporation shall be kept complete, correct and open to review by any member.

Section 18

This section provides that the board of directors, upon dissolution of the corporation, shall determine asset distribution in compliance with the bylaws and constitution.

Section 19

This section provides that the American Boxing Corporation has the sole and exclusive right to use its name, seals, emblems and badges.

Section 20

This section provides that the corporation shall transmit on the first day of June each year a complete report of expenditures, receipts and activities to the President and each house of the Congress.

Section 21

This section provides that audits of accounts shall follow standard procedures of the United States Code.

Section 22

This section expressly reserves the right to alter, amend or repeal this Act to the Congress.

Section 23

This section provides that the definition of "boxing match" means a professional match in any state and that "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands, American Samoa, and any other U.S. territory.

DISSENTING VIEWS ON H.R. 2127

Like any good champion, this Committee seems willing to take on all comers, including professional sports. Although it might seem that sports should be left free from politics, this Committee has not seen fit to do so.

In the 98th Congress, the House considered and rejected, by a two-to-one margin, this bill's predecessor legislation, H.R. 2498. While the sponsor of H.R. 1689 has cured some of that bill's defects, the legislation endorsed by the Committee remains an unnecessary extension of federal authority.

Is there a clamor for federal intrusion in this area? Hardly. In fact, there is substantial opposition to this legislation from people within the sport of boxing who know it far better than we.

Boxing should be left to police itself, just as all other sports do. If it is in need of reform, why does it need Congress to show the way? Fighters and fans know the sport and the risks it entails. If either do not like the current state of affairs, they can act to change it. Congress should not.

For if we can impose such a decision on boxing, why not other sports? Why shouldn't every state have a major league baseball team, and why shouldn't Hulk Hogan shave? The possibilities are endless.

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